UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2182	4

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 April 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 January 2001</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to because labels associated with fig. 1 and fig. 2 are difficult to read since they are hand written and typed in a small size letters; and fig. 3 and fig. 4 lacking labeling of continuation line. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1,2,9-12,13,14, and 21 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Clark et al., U.S. Pat. No. 6,131,117 in view of Stupek, Jr. et al., U.S.

Pat. No. 5,960,189.

3.   Claims 3,4,23, and 24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Clark et al., U.S. Pat. No. 6,131,117 in view of Stupek, Jr. et al., U.S.

Pat. No. 5,960,189 further in view of Sullivan, U.S. Pat. No. 4,773,005.

4.   Claims 5,6,19, and 20 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Clark et al., U.S. Pat. No. 6,131,117 in view of Stupek, Jr. et al., U.S.

Pat. No. 5,960,189 further in view of Holloway, U.S. Pat. No. 5,226,079.

5.   Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Clark et al., U.S. Pat. No. 6,131,117 in view of Stupek, Jr. et al., U.S. Pat. No. 5,960,189

further in view of Sullivan, U.S. Pat. No. 4,773,005 and Holloway, U.S. Pat. No.

5,226,079.

6.   As to claim 1, Clark et al. teach method of operating plurality of networked

computers each performing various functions comprising the steps of:

(a)   providing a first application computer at a first site for performing a first

application task (PC1, fig. 2), a second computer at a second site for performing a

second application task (PC2, fig. 2), and additional computers if and as needed for

performing third and subsequent tasks at third and additional sites (PC3 and others not

shown, fig.2) each computer being coupled to the other computers via a network

enabling communication between computers (fig. 2) and each computer having a

hardware unit for producing a hardware node ID (physical unit or PU) identifying which

node each computer is intending to act as (col. 6, lines 55-67);

(b)   providing a system manager (i.e. management console NM, fig. 2) means

interconnected with the computer for downloading applications software thereto and for

updating software therein;

(c)   inserting into each computer an application execution program having a

logical node ID (i.e. LU) unique to the application to be executed by each computer at

its associated site (col. 6, lines 55-67); and

(e)   providing a network mapping (i.e. specialized data structure) means for

correlating the logical node Ids (i.e. LU) with appropriate associated physical site node

Ids (PU; col. 7, line 62- col. 8, lines 8).

Clark et al. do not teach comparing the hardware node ID of the computer for

each computer with the logical node ID of the application program therein, and should

there be a mismatch, reinserting a new applications program into the computer having

an appropriate logical node ID equivalent to the hardware node ID; and comparing the

logical node ID of the applications program for each computer with the logical node ID

associated with the physical node of the computer as indicated by the network mapping

means, and in the event of a mismatch, inserting the correct application program having

the appropriate logical ID indicated by the network mapping means.

Stupek, Jr. et al. teach comparing the hardware node ID of the computer for each

computer with the logical node ID of the application program (i.e. comparing the version

numbers) therein, and should there be a mismatch (based on comparison of version

numbers), reinserting a new applications program into the computer having an

appropriate logical node ID equivalent to the hardware node ID (i.e. upgrading; abstract;

summary; col. 4, lines 11-34); and comparing the logical node ID of the applications

program for each computer with the logical node ID associated with the physical node of

the computer as indicated by the network mapping means (i.e. comparing the version

number), and in the event of a mismatch (based on comparison of version numbers),

inserting the correct application program having the appropriate logical ID indicated by

the network mapping means (i.e. upgrading; abstract; summary; col. 4, lines 11-34).

However, it would have been obvious to one of ordinary skill in the art at the time of

invention to combine the teachings of Clark et al. and Stupek, Jr, et al. because that

would provide the user option of whether to perform an upgrade (col. 2, lines 1-7).

7.   As to claim 2, Clark et al. teach method further comprising the step of comparing the number of nodes that should be on the network as indicated by a system manager configuration file with the number of nodes actually on the network to ensure that the proper number of nodes are network operative (via XID; col. 7, line 62- col. 8, line 8).

8.   As to claims 3 and 4, neither Clark et al. nor Stupek, Jr. et al. teach method setting switches associated with the hardware to effect the producing of said hardware node ID.

Sullivan teaches setting switches associated with the hardware to effect the producing of said hardware node ID (col. 1, lines 35-47). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Clark et al. and Stupek, Jr. et al. with Sullivan because that would provide system easier for a user to give each device a unique address (col. 1, lines 48-54).

9.   As to claims 5 and 6, neither Clark et al. nor Stupek, Jr. et al. teach method providing identical hardware units associated with each computer at each site, to facilitate flexibility in machine configuration and ease of maintainability.

Holloway teaches providing identical hardware units associated with each computer at each site, to facilitate flexibility in machine configuration and ease of maintainability (col. 3, lines 15-23). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Clark et al. and Stupek, Jr. et al. with Holloway because that would provide backup support in case of legitimate or illegitimate failure conditions (col. 3, lines 12-30).

10.   As to claims 7 and 8, neither Clark et al. nor Stupek, Jr. et al. or Sullivan teach method providing identical hardware units associated with each computer at each site, to facilitate flexibility in machine configuration and ease of maintainability.

Holloway teaches providing identical hardware units associated with each computer at each site, to facilitate flexibility in machine configuration and ease of maintainability (col. 3, lines 15-23). However, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the combination of Clark et al., Stupek, Jr. et al. and Sullivan with Holloway because that would provide backup support in case of legitimate or illegitimate failure conditions (col. 3, lines 12-30).

11.   As to claims 9-12, Clark et al. teach method implementing network upgrades and changes by propagating the changes produced within the system manager to all network nodes simultaneously (inherent; col. 4, lines 37-52; col. 6, lines 9-23).

12.   As to claims 13 and 14, Clark et al. teach method of operating plurality of

networked computers each performing various functions comprising the steps of:

(a)   providing a first application computer at a first site for performing a first

application task (PC1, fig. 2), a second computer at a second site for performing a

second application task (PC2, fig. 2), and additional computers if and as needed for

performing third and subsequent tasks at third and additional sites (PC3 and others not

shown, fig.2) each computer being coupled to the other computers via a network

enabling communication between computers (fig. 2) and each computer having a

hardware unit for producing a hardware node ID (physical unit or PU) identifying which

node each computer is intending to act as (col. 6, lines 55-67);

(b)   providing a system manager (i.e. management console NM, fig. 2) means

interconnected with the computer for downloading applications software thereto and for

updating software therein;

(c)   inserting into each computer an application execution program having a

logical node ID (i.e. LU) unique to the application to be executed by each computer at

its associated site (col. 6, lines 55-67); and

(e)   providing a network mapping (i.e. specialized data structure) means for

correlating the logical node Ids (i.e. LU) with appropriate associated physical site node

Ids (PU; col. 7, line 62- col. 8, lines 8).

Clark et al. do not teach comparing the computer node ID of the computer for

each computer with the logical node ID of the application program therein, and should

there be a mismatch, reinserting a new applications program into the computer having

an appropriate logical node ID equivalent to the computer node ID; and comparing the software logical node ID of the applications program for each computer with the logical node ID associated with the physical node of the computer as indicated by the network mapping means, and in the event of a mismatch, inserting the correct application program having the appropriate software logical ID indicated by the network mapping means.

Stupek, Jr. et al. teach comparing the computer node ID of the computer for each computer with the logical node ID of the application program (i.e. comparing the version numbers) therein, and should there be a mismatch (based on comparison of version numbers), reinserting a new applications program into the computer having an appropriate logical node ID equivalent to the computer node ID (i.e. upgrading; abstract; summary; col. 4, lines 11-34); and comparing the software logical node ID of the applications program for each computer with the logical node ID associated with the physical node of the computer as indicated by the network mapping means (i.e. comparing the version number), and in the event of a mismatch (based on comparison of version numbers), inserting the correct application program having the appropriate software logical ID indicated by the network mapping means (i.e. upgrading; abstract; summary; col. 4, lines 11-34). However, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Clark et al. and Stupek, Jr, et al. because that would provide the user option of whether to perform an upgrade (col. 2, lines 1-7).

13.   As to claim 21, As to claim 1, Clark et al. teach method of operating plurality of

networked computers each performing various functions comprising the steps of:

(a)   providing a first application computer at a first site for performing a first

application task (PC1, fig. 2), a second computer at a second site for performing a

second application task (PC2, fig. 2), and additional computers if and as needed for

performing third and subsequent tasks at third and additional sites (PC3 and others not

shown, fig.2) each computer being coupled to the other computers via a network

enabling communication between computers (fig. 2) and each computer having a

hardware unit for producing a hardware node ID (physical unit or PU) identifying which

node each computer is intending to act as (col. 6, lines 55-67);

(b)   providing a system manager (i.e. management console NM, fig. 2) means

interconnected with the computer for downloading applications software thereto and for

updating software therein;

(c)   inserting into each computer an application execution program having a

logical node ID (i.e. LU) unique to the application to be executed by each computer at

its associated site (col. 6, lines 55-67); and

(e)   providing a network mapping (i.e. specialized data structure) means for

correlating the logical node Ids (i.e. LU) with appropriate associated physical site node

Ids (PU; col. 7, line 62- col. 8, lines 8).

Clark et al. do not teach comparing the node ID of the computer for each

computer with the logical node ID of the application program therein, and should there

be a mismatch, reinserting a new applications program into the computer having an

appropriate logical node ID equivalent to the hardware node ID; and comparing the

logical node ID of the applications program for each computer with the logical node ID

associated with the physical node of the computer as indicated by the network mapping

means, and in the event of a mismatch, inserting the correct application program having

the appropriate logical ID indicated by the network mapping means.

Stupek, Jr. et al. teach comparing the node ID of the computer for each computer

with the logical node ID of the application program (i.e. comparing the version numbers)

therein, and should there be a mismatch (based on comparison of version numbers),

reinserting a new applications program into the computer having an appropriate logical

node ID equivalent to the hardware node ID (i.e. upgrading; abstract; summary; col. 4,

lines 11-34); and comparing the logical node ID of the applications program for each

computer with the logical node ID associated with the physical node of the computer as

indicated by the network mapping means (i.e. comparing the version number), and in

the event of a mismatch (based on comparison of version numbers), inserting the

correct application program having the appropriate logical ID indicated by the network

mapping means (i.e. upgrading; abstract; summary; col. 4, lines 11-34). However, it

would have been obvious to one of ordinary skill in the art at the time of invention to

combine the teachings of Clark et al. and Stupek, Jr, et al. because that would provide

the user option of whether to perform an upgrade (col. 2, lines 1-7).

14.   Claims 15-18 and 22 contain similar limitations as claims 2 and 9. Clark et al. and Stupek, Jr. et al. in combination teach method as set forth in claims 2 and 9. Therefore, Clark et al. and Stupek, Jr. et al. in combination also teach method as set forth in claims 15-18 and 22.

15.   Claims 19 and 20 contain similar limitations as claim 5. Clark et al., Stupek, Jr. et al. and Holloway in combination teach method as set forth in claim 5. Therefore, Clark et al., Stupek, Jr. et al. and Holloway in combination also teach method as set forth in claims 19 and 20.

16.   Claims 23 and 24 contain similar limitations as claims 3 and 4. Clark et al., Stupek, Jr. et al. and Sullivan in combination teach method as set forth in claims 3 and 4. Therefore, Clark et al., Stupek, Jr. et al. and Sullivan in combination also teach method as set forth in claims 23 and 24.

17.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mohammad O. Farooq whose telephone number is

(703) 305-3888. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey A. Gaffin can be reached on (703) 308-3301. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Mohammad O. Farooq
June 30, 2004